

STATEMENT FROM ARIZONA STATE BOARD OF NURSING

The nurse in this matter was initially offered, and accepted, a confidential monitoring program resolution to the allegations against her, which involved diversion of prescription controlled substances. This program, the Chemically Addicted Nurse Diversion Option ("CANDO") is a Board-approved program, authorized by statute, that allows the Board to offer intensive treatment and close monitoring of a nurse who admits they have a substance use disorder and wants to obtain treatment. The nurse is initially removed from practice, and must be cleared to return to practice by Board staff, often after a psychological/substance abuse evaluation and treatment as recommended by a Board-approved psychologist. Once approved to return to practice, the nurse's employer must be notified prior to the nurse accepting an assignment to work as a nurse.

In this matter, the Board learned that this nurse, without notifying the Board and without notifying her employer, had begun working as a nurse. This was a serious violation of the CANDO agreement, and she was almost immediately removed from practice - she was told to stop practicing, discharged from the CANDO program, and significant disciplinary sanctions were imposed. Through an agreement with the Board, the nurse's license was publicly revoked, with the revocation "stayed" requiring her compliance with a very strict monitoring agreement. The nurse's license was also suspended, pending her completion of treatment requirements, and while being drug tested. The nurse successfully completed the initial treatment requirements and was cleared by her treating providers to return to practice, at which time she was placed on probation, with no access to controlled substances, mandatory and confirmed employer notification, drug testing, mandatory ongoing treatment, and many other restrictions on her nursing practice. Board staff and the nurse's employer monitored the nurse's practice.

Because the nurse's license had technically been revoked already, by agreement, and the revocation "stayed" (or held), should the nurse have violated the agreement, Board staff could immediately "lifted the stay," and the nurse's license would have then been revoked for 5 years, which is the maximum time by law that the Board is able to revoke a license. However, the nurse has remained in substantial compliance with her agreement, and it appears that the rehabilitation efforts are now working. The nurse's disciplinary action is publicly available through the Board's website.

Evidence collected by the Arizona Nursing Board, and other nursing Boards around the country, shows that these types of confidential, substance abuse treatment programs are safe and effective in treating the illness of substance abuse. They protect the public while offering nurses an opportunity at rehabilitation, so that we don't lose great nurses who have struggled with substance abuse. No system is perfect, but the program, and the agreements, have been refined over time to make them as safe and effective as possible. Also, not all nurses are eligible for the CANDO and related programs. For example, nurses who have harmed patients are not permitted to participate.

While the agreements are not made public, the employer is required to be notified prior to the nurse working, and the Board requires confirmation (acknowledgement) by the employer that they have received a copy of the CANDO agreement. If that confirmation is not received, the Board follows up to make sure the employer is aware. If a nurse attempts to work without the Board's knowledge and/or without the employer's knowledge, this is considered an extremely serious violation of the agreement, and the standard response is either loss of license outright, or an agreement wherein the license is revoked, the revocation stayed, and an additional suspension until the nurse is deemed safe to practice by an independent evaluator/treating provider. Either way, failure to notify an employer results in the nurse being immediately removed from practice, with a public sanction, and the confidential program is no longer available to that individual. As an extra safeguard, Board staff checks tax records to ensure that the nurse has accurately reported their employment. Again, if a discrepancy is found by Board staff, immediate action to remove the nurse from practice occurs, and the nurse is not permitted to participate in a confidential program again.

While it is unfortunately that, in this example, the nurse violated her CANDO agreement by working without notifying the Board or her employer, it is important to note that this an exception to most nurse's practice, and that to our knowledge, no patients were harmed. Many nurses have come to the Board and shared their success stories with Board staff and the Board, explaining that the Board's rehabilitation programs literally saved their lives, and that they are now in good recovery with their illness, and helping patients.